



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Labor and Industries

- ☒ **Preproposal Statement of Inquiry was filed as WSR 04-15-103 ; or**  
☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**  
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR \_\_\_\_\_**  
☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** (Describe Subject) Employer-Worker Reemployment Incentives

New WAC sections: WAC 296-16-100 What is the department's "preferred worker" program?

WAC 296-16-110 Who can be certified as a "preferred worker?"

WAC 296-16-115 How does a worker apply for "preferred worker" certification?

WAC 296-16-120 Who certifies industrially injured or ill workers as "preferred workers?"

WAC 296-16-130 How long does a worker's "preferred worker" certification last?

WAC 296-16-140 Which employers are eligible to benefit from the "preferred worker" program?

WAC 296-16-150 What benefits do eligible employers receive from the "preferred worker" program?

WAC 296-16-160 What must an employer do to qualify for benefits when hiring a "preferred worker?"

WAC 296-16-170 Where may an employer obtain an *Intent to Hire Preferred Worker* form?

**Hearing location(s):** Tumwater

Department of Labor and Industries  
 Rooms S118-S119  
 7273 Linderson Way SW  
 Tumwater WA 98501

Date: November 1, 2004 Time: 2 to 4:00 p.m.

**Date of intended adoption:** December 15, 2004  
 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Audrey Pitchford

Address: Department of Labor and Industries

P. O. Box 44208

Olympia WA 98504-4208

e-mail [pita235@LNI.WA.GOV](mailto:pita235@LNI.WA.GOV)

fax ( 360 ) 902-4960 by (date) November 8, 2004

**Assistance for persons with disabilities:** Contact

Audrey Pitchford by October 29, 2004

TTY ( 800 ) 833-6388 or ( 360 ) 902-4583

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed new rules will assist in the implementation of Chapter 258, Laws of 2004 (Substitute Senate Bill 6615).

The purpose of the proposed new rules is to:

- Redefine the Preferred Worker Program for clarity
- Explain what benefits are available under the Preferred Worker Program
- Clarify which employers and workers may receive Preferred Worker Program benefits, and
- Expand the program, in some situations, to grant benefits to the employer at the time of record

WAC 296-16-010 will be repealed.

**Reasons supporting proposal:**

The proposed new rules redefine the Preferred Worker Program for clarity, as well as expand the existing program to additional employers. Because of these rules, agency customers will better understand benefits available under the program, and the department will be able to more consistently and fairly respond to requests for preferred worker program benefits.

**Statutory authority for adoption:** RCW 51.04.010, RCW 51.04.020 and Chapter 258, Laws of 2004 (Substitute Senate Bill 6615)

**Statute being implemented:** RCW 51.16.120 and Chapter 258, Laws of 2004 (Substitute Senate Bill 6615)

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**CODE REVISER USE ONLY**

WSR# 04-19-106

**DATE**

September 21, 2004

**NAME** (type or print)

Paul Trause

**SIGNATURE**

**TITLE**

Director

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

NA

**Name of proponent:** (person or organization) Department of Labor and Industries

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Vickie Kennedy	Tumwater WA	(360) 902-4997
Implementation....Sandra Dziedzic (State Fund) and Jean Vanek (Self Insurance)	Tumwater WA and Olympia WA	(360) 902-4300 and (360) 902-6907
Enforcement.....Robert Malooly	Tumwater WA	(360) 902-4209

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The proposed new rules are intended to redefine the existing "preferred worker" program authorized by RCW 51.16.120(3), and expand the program as authorized by RCW 51.16.120(4), adopted by the Legislature in 2004 in SSB 6615. Upon adoption of these rules, workers with developmental disabilities will have expanded eligibility and employers of record will be eligible to benefit from re-employing preferred workers with developmental disabilities as authorized by RCW 51.16.120(4). As such, these changes impose no costs and no SBEIS need be conducted.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain:

The proposed new rules are intended to redefine the existing "preferred worker" program authorized by RCW 51.16.120(3), and expand the program as authorized by RCW 51.16.120(4), adopted by the Legislature in 2004 in SSB 6615. Upon adoption of these rules, workers with developmental disabilities will have expanded eligibility and employers of record will be eligible to benefit from re-employing preferred workers with developmental disabilities as authorized by RCW 51.16.120(4). As such, these changes impose no costs and no CBA need be conducted.